APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,433	06/07/2005	Martin Schulte	WEBER-0008	9936

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EXAMINER
RAJAN, KAI

ART UNIT	PAPER NUMBER
3736	

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10/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/518,433	SCHULTE ET AL.
	Examiner	**Art Unit**	
	Kai Rajan	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 December 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 - 17_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1 - 17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _12/20/2004 & 6/7/2005_.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20071003

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4 – 8, 11, and 13 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Iliff U.S. Patent No. 5,660,176.

1. Method for recording and analyzing syndromes and their causes and for establishing appropriate therapy proposals with the following features

a) Preparing at least one set of anamnesis questions and storing this set in a data memory (Column 4 line 33 – column 5 line 54),

b) Preparing a set of data relating to the causes of diseases and storing this set in a data memory (Column 4 line 33 – column 5 line 54),

c) Providing a computer program which selects and presents anamnesis questions according to a predetermined set of rules (Column 4 line 33 – column 5 line 54),

d) Recording the answers to the anamnesis questions (Column 4 line 33 – column 5 line 54),

e) Creating a set of possible diagnoses on the basis of the answers which have been

recorded in step d) and optionally creating examination or test proposals to further narrow down

the diagnosis (Column 4 line 33 – column 5 line 54),

f) Preparing one or more diagnosis proposals (Column 4 line 33 – column 5 line 54) and

g) Preparing one or more therapy proposals, with steps e) to g) in particular proceeding

automatically under the control of an interactive computer program (Column 4 line 33 – column

5 line 54).

4. Method according to claim 1, characterized in that step b) includes a listing and storage

of causes of diseases, in particular also of allergens (Column 35 line 25 – column 36 line 67).

5. Method according to one claim 1, characterized in that point values are awarded to at

least some of the answers to anamnesis questions recorded in step d) (Column 4 line 33 – column

5 line 54).

6. Method according to claim 5, characterized in that the point values for specific answers

or groups of answers are added and/or multiplied together, in order to create total point values

for a group of answers and/or the entire anamnesis (Column 4 line 33 – column 5 line 54,

column 40 lines 36 – 67).

7. Method according to claim 5, characterized in that the anamnesis answers are at least partly predetermined in discrete selection steps (Column 4 line 33 – column 5 line 54, column 40 lines 36 – 67).

8. Method according to one claim 1, characterized in that a set of possible diagnoses according to step e) is created using the criterion of whether the total point values for specific groups of answers and/or the entire anamnesis exceed a predeterminable threshold value (Column 4 line 33 – column 5 line 54).

11. System for recording and analyzing syndromes and their causes and for establishing appropriate therapy proposals with:

a) a data memory with a stored set of anamnesis questions (Column 4 line 33 – column 5 line 54),

b) a stored set of data relating to causes of diseases, including pathogenic and/or allergenic substances (Column 4 line 33 – column 5 line 54),

c) a computer with a computer program which evaluates and presents anamnesis questions according to a predeterminable set of rules (Column 4 line 33 – column 5 line 54),

d) an input device for the inputting of patient data and answers to the anamnesis questions (Column 4 line 33 – column 5 line 54),

e) a storage device for the inputted data (Column 4 line 33 – column 5 line 54),

f) a computer program which processes the inputted data for the purpose of creating one or more diagnoses and one or more therapy proposals (Column 4 line 33 – column 5 line 54) and

g) an output device for the presentation of the questions, the diagnoses and/or therapy

proposals (Column 4 line 33 – column 5 line 54).

13. System according to claim 11, characterized in that a storage device is provided in

which all the data recorded from patients is supplied in anonymized form (Column 4 line 58 –

column 5 line 21, column 55 line 65 – column 58 line 7).

14. System according to claim 13, characterized in that the storage device with

anonymized patient data is a storage device which is accessible to a specifiable circle of users

(Column 29 lines 8 – 64).

15. System according to claim 11, characterized in that the system has an access

possibility to an allergen database (Column 35 line 25 – column 36 line 67).

16. System according to claim 11, characterized in that the computer program has a scale

valuation and combination of the scale valuations of individual answers for the analysis of the

recorded data (Column 4 line 33 – column 5 line 54).

Claims 1 – 3, 9 – 12, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated

by Iliff U.S. Patent No. 6,270,456, cited by applicant.

1. Method for recording and analyzing syndromes and their causes and for establishing appropriate therapy proposals with the following features

a) Preparing at least one set of anamnesis questions and storing this set in a data memory (Column 1 line 63 – column 2 line 42),

b) Preparing a set of data relating to the causes of diseases and storing this set in a data memory (Column 1 line 63 – column 2 line 42),

c) Providing a computer program which selects and presents anamnesis questions according to a predetermined set of rules (Column 1 line 63 – column 2 line 42),

d) Recording the answers to the anamnesis questions (Column 1 line 63 – column 2 line 42),

e) Creating a set of possible diagnoses on the basis of the answers which have been recorded in step d) and optionally creating examination or test proposals to further narrow down the diagnosis (Column 1 line 63 – column 2 line 42),

f) Preparing one or more diagnosis proposals (Column 1 line 63 – column 2 line 42) and

g) Preparing one or more therapy proposals, with steps e) to g) in particular proceeding automatically under the control of an interactive computer program (Column 1 line 63 – column 2 line 42).

2. Method according to claim 1, characterized in that optionally within the framework of the anamnesis questions, preliminary information is recorded which includes at least the age and gender of a patient and optionally further general features such as for example principal

symptoms, affected organs and/or other diagnosed illnesses (Column 1 line 63 – column 2 line 42, column 9 lines 15 – 46).

3. Method according to claim 1, characterized in that the anamnesis questions include questions relating to the time and/or cause of the occurrence, the severity of symptoms and the environmental exposure of the patient (Column 1 line 63 – column 2 line 42, column 7 line 14 – column 10 line 4).

9. Method according to one claim 1, characterized in that step e) includes the comparison of the obtained set of answers with other sets of answers which have been obtained from earlier anamneses(Column 1 line 63 – column 2 line 42).

10. Method according to claim 1, characterized in that contraindications are recorded prior to the preparing of therapy proposals and preferably within the framework of step d) (Column 1 line 63 – column 2 line 42).

11. System for recording and analyzing syndromes and their causes and for establishing appropriate therapy proposals with:

a) a data memory with a stored set of anamnesis questions (Column 1 line 63 – column 2 line 42),

b) a stored set of data relating to causes of diseases, including pathogenic and/or allergenic substances (Column 1 line 63 – column 2 line 42),

c) a computer with a computer program which evaluates and presents anamnesis

questions according to a predeterminable set of rules (Column 1 line 63 – column 2 line 42),

d) an input device for the inputting of patient data and answers to the anamnesis

questions (Column 1 line 63 – column 2 line 42),

e) a storage device for the inputted data (Column 1 line 63 – column 2 line 42),

f) a computer program which processes the inputted data for the purpose of creating one

or more diagnoses and one or more therapy proposals (Column 1 line 63 – column 2 line 42) and

g) an output device for the presentation of the questions, the diagnoses and/or therapy

proposals (Column 1 line 63 – column 2 line 42).

12. System according to claim 11, characterized in that the computer program is designed

such that it provides test proposals to further narrow the suggested diagnoses and therapies

(Column 1 line 63 – column 2 line 42).

17. System according to one claim 11, characterized in that the program has a module

which carries out a comparison with recorded anamnesis data available in the system for the

analysis of the recorded data (Column 1 line 63 – column 2 line 42).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kai Rajan whose telephone number is 571-272-3077. The

examiner can normally be reached on Monday - Friday 9:00AM to 4:00PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KR
October 4, 2007

Michael Astorino